Circuit Court for Queen Anne's County
Case No. C-17-CR-23-000323

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1054

September Term, 2024

TAYLOR SYMONE BLADE

v.

STATE OF MARYLAND

Wells, C.J.,
Berger,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Wells, C.J.

Filed: August 14, 2025

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

Appellant Taylor Symone Blade was charged in an eighteen-count indictment with various theft offenses arising from her participation in a shoplifting ring. The Circuit Court for Queen Anne's County denied a defense motion to dismiss for a *Hicks*[1] violation. It thereafter found Blade guilty, on an agreed statement of facts, of theft scheme of goods with value between $1,500 and $25,000. The court sentenced Blade to five years' incarceration, with all but 368 days suspended, to be followed by five years' supervised probation; and it further ordered her to pay restitution to each of the affected companies. Blade then appealed to this Court, raising a single question rephrased as follows:

> Did the circuit court err in denying Blade's motion to dismiss for failure to comply with the time limits set forth in Maryland Rule 4-271, Maryland Code § 6-103 of the Criminal Procedure Article, and *State v. Hicks*, 285 Md. 310 (1979)?

The State concedes the circuit court erred in denying Blade's motion to dismiss. For the reasons that follow, we accept the State's concession, and we therefore reverse and remand with instructions to dismiss the indictment.

BACKGROUND

The facts underlying the offense are not in dispute and are not relevant to the procedural issue raised on appeal. It suffices to say the State presented sufficient evidence that, at two different times in May 2023, Blade, acting in concert with several others, shoplifted goods worth approximately $24,000 from several retail stores at Queenstown Premium Outlets in Queen Anne's County.

[1] *State v. Hicks*, 285 Md. 310, *on motion for reconsideration*, 285 Md. 334 (1979).

We now summarize the relevant procedural facts:

On August 1, 2023, Blade was indicted in the Circuit Court for Queen Anne's County on eighteen theft-related offenses. On the same date, the State requested, and the court issued, an arrest warrant for Blade. Several days later, the State filed a line requesting the court to set the case for an initial appearance. The State's line further noted that, at that time, Blade was incarcerated elsewhere and had not yet been served with the Queen Anne's County arrest warrant. The circuit court scheduled an initial appearance on September 18, 2023, and issued a writ of habeas corpus, ordering Blade be brought to the Queen Anne's County Circuit Court for her initial appearance.[2]

Blade, without counsel, appeared in the circuit court on the scheduled date of the initial appearance. The court explained Blade was "brought . . . over for initial appearance." The court further explained the State "filed a criminal information[,]"[3] but Blade had not yet been served with a copy of the charges. After ascertaining that the court clerk had a "copy of everything," the court declared it intended to "make sure" that "we can get a sheriff's deputy to serve" Blade. The court then informed Blade that "this would be considered your initial appearance, which means I am here to advise you, you have a right to have an attorney represent you in this matter." At the court's direction, the prosecutor

[2] There was some confusion as to where Blade was being held. Initially, the Queen Anne's County Circuit Court issued a writ of habeas corpus to the Howard County Detention Center but subsequently issued a writ to the Baltimore County Department of Corrections.

[3] In fact, the State had filed an indictment.

informed Blade of "the more serious charges[.]" The court further explained Blade had "a right to have an attorney represent" her, she could "apply to the Public Defender's Office" if she could not afford an attorney, and she should "take care of that pretty quickly." Next, the court scheduled a motions hearing on November 14, 2023, and trial on December 29, 2023. The court ordered Blade be held without bond.[4] After the court asked Blade whether she had "any questions about" her "right to have an attorney" and emphasized "how important it is with these pending charges to go ahead and get yourself an attorney for here," the following colloquy occurred:

> THE COURT: . . . All right. All right. We just need to make sure she gets served, and then she is free to be transported back. Okay?
>
> Madam Clerk, do you have the documents?
>
> THE CLERK: Yes, Your Honor, for the sheriff.
>
> THE COURT: All right.
>
> Mr. Sheriff, who wants to serve her?
>
> THE BAILIFF: I will.
>
> THE COURT: Whoops. There we go. He has got it. All right. You are going to get the paperwork,[5] and then you are going to be transported back. Do you have any questions?
>
> [BLADE]: No.

[4] The court further explained that, when Blade was scheduled to be transported back to Queen Anne's County for her next appearance, Blade should ask her attorney "for another bail review at that time."

[5] Apparently, the bailiff served Blade with the charging documents but, at the court's direction, withheld the warrant.

The hearing then concluded. The hearing sheet for that date states:

> Court hold without bond, being held in another case, warrant will be a detainer for this case.

On October 12, 2023, counsel from the Office of the Public Defender ("OPD") entered an appearance on behalf of Blade, and at the same time, filed preliminary motions, including a motion demanding a speedy trial.[6] Four weeks later, on November 9, 2023, a different attorney from OPD entered her appearance pursuant to Maryland Rule 4-214(b),[7] and the appearance of the original OPD attorney was stricken.

Blade next appeared in court with counsel on November 14, 2023. Defense counsel asked whether the case was "still listed as in warrant status[,]" and the clerk answered it was. The following colloquy then occurred:

> [PROSECUTOR]: Was the Defendant served?

[6] The docket entry indicates counsel entered her appearance on October 13, 2023, but she filed several documents, including the motion for speedy trial, the previous day.

[7] Maryland Rule 4-214(b) provides:

> **(b) Extent of Duty of Appointed Counsel.** When counsel is appointed by the Public Defender or by the court, representation extends to all stages in the proceedings, including but not limited to custody, interrogations, preliminary hearing, pretrial motions and hearings, trial, motions for modification or review of sentence or new trial, and appeal. The Public Defender may relieve appointed counsel and substitute new counsel for the defendant without order of court by giving notice of the substitution to the clerk of the court. Representation by the Public Defender's office may not be withdrawn until the appearance of that office has been stricken pursuant to section (d) of this Rule. The representation of appointed counsel does not extend to the filing of subsequent discretionary proceedings including petition for writ of certiorari, petition to expunge records, and petition for post conviction relief.

THE CLERK: Yeah. The warrant is holding her as a detainer, so it hasn't been served yet.

[PROSECUTOR]: It is my understanding she is serving a sentence where she is, and they won't officially serve it until she is done.

THE CLERK: Correct.

[PROSECUTOR]: We have been having issues with that jurisdiction, getting things officially served on individuals.

THE CLERK: The hearing sheet from September 18th indicated that this would hold her as a detainer. She is being held without bond, being held in another case. Warrant will be a detainer for this case.

THE COURT: All right. Then why is *Hicks* running if we haven't even served the warrant?

[DEFENSE COUNSEL]: I don't know how it got any dates if the warrant was -- we can't see it. Our office can't get into the case because it is in warrant status. It is still sealed. So that is why I got the case Thursday.

[PROSECUTOR]: I will note for the Court I reached out to [the original defense attorney] initially before I knew was handling it. I [saw] that Ms. Blade had fallen back to the Public Defender, versus trying to send discovery to the Detention Center if I knew the Public Defender was getting in. And that is kind of how the Public Defender got into the case, for [the defense attorney who subsequently entered her appearance] to ultimately be here, because of the communications I had with her. But this was an issue-- we had with this case in District Court level as well, trying to handle the Circuit Court.

The court ultimately decided to "vacate all of the dates that are scheduled for" Blade under the apparent belief that, by withholding the warrant, the *Hicks* date would be tolled. The court declared:

> She hasn't even been served with the warrant, so we need to kind of restart this matter, even though she has been here, but she still hasn't been served, because it is just being set as a detainer.

The court then asked counsel for the parties "to continue to exchange discovery, and go ahead and act . . . like the case is moving forward." The court declared that "[o]nce [the defendant] gets served the detainer," she will be brought back to Queen Anne's County and "we will set some dates at that time." The court declined defense counsel's request that Blade be served with the warrant that day. The court set December 29, 2023 (the original trial date), "as a status conference[,]" stating, "We are still in warrant status, which means *Hicks* has not started yet." Defense counsel replied, "Understood."

On December 28, 2023, the day before the next scheduled hearing, defense counsel filed a "Motion to Convert Warrant to Summons," averring as follows:

> 1. This case was filed in the Circuit Court on August 1, 2023. A warrant has been issued, however has not been served on the Defendant as she has been incarcerated in another county.
>
> 2. To date the warrant remains outstanding. The Defendant is now incarcerated in Anne Arundel County and is serving a sentence. The anticipated release date for Defendant in Anne Arundel County is April 2024.
>
> 3. This matter is set for a Status hearing of Friday December 29, 2023 at 8:45 a.m. A writ was issued for the Defendant for this trial date.
>
> 4. This matter had been previously scheduled, however was cancelled due to the warrant not having been served.
>
> 5. Converting the warrant in this matter to a summons would allow the Court to serve the summons on Friday December 29, 2023 and begin the matter towards trial. Otherwise, Defendant will not be able to be served with the warrant until after April 2024.
>
> 6. The interests of justice are served by having this matter proceed to trial in a timely manner.

The following day, Blade appeared in court with counsel for a status hearing.[8] The parties agreed Blade was, at that time, serving a sentence in Anne Arundel County with an "anticipated release in April" 2024, this case was "serving as a detainer, and there [was] a detainer for Pennsylvania." The court then denied the defense motion to convert the warrant to a summons, declaring, "I am not going to release it, because Pennsylvania is going to grab her before we get her." Defense counsel expressed hope that the case could be tried "before April." The court assured her that "we will take priority over Pennsylvania" but it would "leave [the case] hanging out there" and "wait for Ms. Blade to get released." In response to the prosecutor's question as to how the case would proceed if the parties were to reach a plea agreement, the court replied:

> Well, if you have a plea, we can schedule a hearing date, have her brought over, then I can convert it to a summons to be served that day, enter her plea and be done.

The hearing then concluded.

A bond review hearing was held on May 9, 2024. By then, Blade, appearing by video, had been served with both the warrant and the indictment. The court set the motions hearing for June 18, 2024, with a trial date of August 15, 2024, and apparently granted the State's request to hold Blade without bond.

One week later, on May 16, 2024, Blade, through counsel, moved to dismiss the indictment on the ground that her trial date had not been set within 180 days of the earlier

[8] The judge was the administrative judge for Queen Anne's County.

of her initial appearance or the entry of her attorney's appearance, and the court had not made a finding of good cause to set a trial date beyond the statutory limit, nor had she consented to a trial date beyond that limit. The State filed a response,[9] claiming the "original initial appearance of the Defendant and entry of counsel do not apply to the calculation of setting the trial in this case within 30 days as the Defendant had not ever been formally served with the warrant in the case." The State further contended the court "had good cause to reset this matter as the Defendant was actively serving a sentence in another jurisdiction at the time the case first began in Circuit Court and the Defendant had not been served with the warrant in this case."

A hearing was held on the motion to dismiss the indictment on June 18, 2024, by the administrative judge. Six days later, the circuit court issued a written order denying the motion, explaining as follows:

> The Defendant was still in warrant status because she was being held in various other jurisdictions (Baltimore and Anne Arundel) and had an outstanding warrant for the State of Pennsylvania. The Defendant was not able to be served and processed by Queen Anne's County while in the custody of the other Counties at any of the status conferences. Defendant was represented by counsel at every court proceeding. Defendant's counsel never asserted speedy trial rights at any of the status conferences. Defendant's counsel **agreed** on the record at the December 29, 2023 status conference with the [Court's] ruling that the Hicks date would be reset when the warrant was served. The warrant was served on May 8, 2024 with a bail review on May 9, 2024, when the trial date was scheduled for August 15, 2024.

[9] In an apparent typographical error, the State's motion was captioned as a "Response to Defendant's Motion to Suppress."

(emphasis in original).

Thereafter, on July 23, 2024, the court found Blade guilty, on an agreed statement of facts, of one count of theft scheme of property with a value at least $1,500 but less than $25,000 (count 18 of the indictment). The court sentenced Blade to a term of five years' imprisonment, with all but 368 days suspended, followed by five years' supervised probation. The court further entered a restitution order in the amount $7,555.18, Blade's pro rata share of the value of the purloined goods. Blade then noted this timely appeal of the circuit court's denial of Blade's motion to dismiss the indictment.

STANDARD OF REVIEW

"An administrative judge's determination that there is good cause for a continuance is 'a discretionary matter, rarely subject to reversal upon review.'" *Tunnell v. State*, 466 Md. 565, 589 (2020) (quoting *State v. Frazier*, 298 Md. 422, 451 (1984)). "The defendant must show an abuse of discretion or a lack of good cause as a matter of law." *Id.* (citing *State v. Fisher*, 353 Md. 297, 307 (1999)). "The critical determination for appellate review is the postponement that extends the trial date beyond the [*Hicks*] date, whether or not the administrative judge was precisely aware of the relation of postponement to the [*Hicks*] date at the time that judge granted the continuance." *Id.* (citing *Fisher*, 353 Md. at 305-6, and *Goins v. State*, 293 Md. 97, 111-12 (1982)).

DISCUSSION

In *Ingram v. State*, we previously summarized the rules for providing a defendant with a speedy trial date under Maryland Code (2001, 2018 Repl. Vol.), § 6-103 of the Criminal Procedure ("CP") Article,[10] as follows:

> [A] criminal case must be tried not later than 180 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court unless a change in the trial date has been granted in accordance with [CP § 6-103 and Rule 4-271]. A change in the trial date is in accordance with the statute and Rule when the record reflects that a party or the court, *sua*

[10] This statute was originally codified in 1971 under Maryland Code, Article 27, § 591. *Tunnell*, 466 Md. at 571 n.2; 1971 Md. Laws, ch. 212. It was recodified in 2001 as CP § 6-103, the relevant provisions of which read as follows:

> (a)(1) The date for trial of a criminal matter in the circuit court shall be set within 30 days after the earlier of:
>
> (i) the appearance of counsel; or
> (ii) the first appearance of the defendant before the circuit court, as provided in the Maryland Rules.
>
> (2) The trial date may not be later than 180 days after the earlier of those events.
>
> (b)(1) For good cause shown, the county administrative judge or a designee of the judge may grant a change of the trial date in a circuit court:
>
> (i) on motion of a party; or
> (ii) on the initiative of the circuit court.
>
> (2) If a circuit court trial date is changed under paragraph (1) of this subsection, any subsequent changes of the trial date may only be made by the county administrative judge or that judge's designee for good cause shown.
>
> (c) The Supreme Court of Maryland may adopt additional rules to carry out this section.

> *sponte*, has requested the postponement; good cause has been shown by the moving party; and the county administrative judge or a judge designated by that judge has approved the change in the trial date.

80 Md. App. 547, 554 (1989) (citation omitted).

Pursuant to CP § 6-103(c), the Supreme Court of Maryland adopted Rule 4-271 to implement the statute. Rule 4-271 provides in relevant part:

> **(a) Trial Date in Circuit Court.**
>
> (1) The date for trial in the circuit court shall be set within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the circuit court pursuant to Rule 4-213, and shall be not later than 180 days after the earlier of those events. When a case has been transferred from the District Court because of a demand for jury trial, and an appearance of counsel entered in the District Court was automatically entered in the circuit court pursuant to Rule 4-214 (a), the date of the appearance of counsel for purposes of this Rule is the date the case was docketed in the circuit court. On motion of a party, or on the court's initiative, and for good cause shown, the county administrative judge or that judge's designee may grant a change of a circuit court trial date. If a circuit court trial date is changed, any subsequent changes of the trial date may be made only by the county administrative judge or that judge's designee for good cause shown.
>
> (2) Upon a finding by the Chief Justice of the Supreme Court that the number of demands for jury trial filed in the District Court for a county is having a critical impact on the efficient operation of the circuit court for that county, the Chief Justice, by Administrative Order, may exempt from this section cases transferred to that circuit court from the District Court because of a demand for jury trial.

The statute and rule together establish what has become known as the "*Hicks*" rule, named after *State v. Hicks*, 285 Md. 310, *on motion for reconsideration*, 285 Md. 334 (1979). The *Hicks* Court held that "compliance with the statutory deadline was mandatory" and "a failure to commence a trial in accordance with the statutory timeline requires dismissal of the charges with prejudice." *Jackson v. State*, 485 Md. 1, 13 (2023) (citing

Hicks, 285 Md. at 318). Courts evaluate whether a *Hicks* violation occurred by looking to the "critical postponement," which "is the postponement having the effect of extending the trial date beyond the 180-day deadline prescribed by" CP § 6-103. *Satchell v. State*, 299 Md. 42, 45 (1984).

1. Blade's Trial was Postponed Beyond the Hicks *Date.*

The first step in determining whether a *Hicks* violation has occurred is to compute the *Hicks* date. The parties do not agree when the clock started, and thus when the *Hicks* date occurred. Their disagreement centers on whether the September 18, 2023, hearing constituted an initial appearance under Rule 4-213, thereby triggering the 180-day limit, or whether defense counsel's entry of appearance, on October 12 or 13, 2023, was the triggering event.

Maryland Rule 4-213 provides in relevant part:

> **(c) In Circuit Court Following Arrest or Summons.** The initial appearance of the defendant in circuit court occurs when the defendant (1) is brought before the court by reason of execution of a warrant pursuant to Rule 4-212(e) or (f)(2), or (2) appears in person or by written notice of counsel in response to a summons. In either case, if the defendant appears without counsel the court shall proceed in accordance with Rule 4-215. If the appearance is by reason of execution of a warrant, the court shall (1) inform the defendant of each offense with which the defendant is charged, (2) ensure that the defendant has a copy of the charging document, and (3) determine eligibility for pretrial release pursuant to Rules 4-216 and 4-216.1.

Although the State does not say so expressly, its argument appears to rest on how to interpret the phrase "appears in person or by written notice of counsel in response to a summons" in Rule 4-213(c)(2). The State points out Blade was not "brought before the court by reason of execution of a warrant" because the warrant was withheld from her. The

State further contends Blade did not appear "by written notice of counsel in response to a summons."

Whether we should interpret Rule 4-213(c)(2) to require a defendant to appear "in person . . . in response to a summons[,]" and not merely in person, is thus the crux of the State's argument. At least under the circumstances of this case, where the court and the prosecutor deliberately—not in bad faith, but under the belief it was necessary because Blade was incarcerated in another county—withheld the warrant, where Blade was transported to court pursuant to a writ of habeas corpus issued to the Baltimore County Department of Corrections, and where, in any event, the court expressly informed Blade the proceeding at issue was her initial appearance and gave her the advisements required by Rule 4-215[11], we conclude the *Hicks* clock started on September 18, 2023. Therefore, the *Hicks* date was Monday, March 18, 2024, which was 182 days later.[12]

Next, we must determine which postponement rescheduled the trial beyond the *Hicks* date. *Tunnell*, 466 Md. at 589. The parties agree the critical postponement was on December 29, 2023. We, too, agree, because no further proceedings in the case occurred

[11] Whether the circuit court safely traversed the "minefield" of Rule 4-215 is not at issue in this case. *Dykes v. State*, 444 Md. 642, 671 (2015) (Watts, J., concurring) (quoting *Garner v. State*, 183 Md. App. 122, 127 (2008), *aff'd*, 414 Md. 372 (2010)).

[12] The 180th day fell on a Saturday. *See* Md. Rule 1-203(a)(1).

following the indefinite postponement granted on that date until a bond review hearing held on May 9, 2024, nearly two months after the *Hicks* date.[13]

Finally, we must determine whether dismissal is required. There are only two exceptions to the general rule that the failure to schedule a defendant's trial no later than the *Hicks* date requires dismissal: (1) if the administrative judge, or her designee, makes a finding of good cause for a postponement beyond the *Hicks* date, and (2) if the defendant or their counsel expressly consents to such a postponement. We address these exceptions in reverse order.

2. Blade Did Not Expressly Consent to Schedule her Trial Beyond the Hicks *Date.*

In the years since *Hicks* was decided, the Supreme Court of Maryland further explained that, although *Hicks* does not confer a personal right on a defendant, a defendant may nonetheless *not* obtain a dismissal of charges if she expressly consents to a postponement beyond the 180-day limit. *Tunnell*, 466 Md. at 586-87, n.28; *State v. Brown*, 307 Md. 651, 657 (1986).

Defense counsel filed a motion one day prior to the critical postponement, requesting the court serve the warrant on Blade so her case could move forward. At the

[13] Even if we were to assume the *Hicks* clock did not begin to run until Blade's counsel first entered her appearance, the 180-day period would have expired no later than April 10, 2024. Thus, under either Blade's assumption or the State's as to when the clock started, the May 9, 2024, bond hearing occurred after the *Hicks* date.

December 29, 2023, hearing, the administrative judge[14] denied that motion, expressing her fear that, were the warrant served, "Pennsylvania is going to grab her before we get her." Defense counsel then expressed the hope that the case could be tried "before April." We disagree with the administrative judge's characterization of defense counsel's actions as, in effect, an express consent to the postponement.

3. The Administrative Judge Did Not Find Good Cause to Postpone Trial Beyond the Hicks *Date.*

Blade asserts that, during the critical December 29 hearing, the administrative judge "did not make a finding of good cause to go beyond the *Hicks* date." The State likewise asserts that, "[a]t that proceeding, the trial court neither scheduled trial to begin before the *Hicks* date nor found good cause to extend the case beyond it."

We look to the order issued by the administrative judge denying Blade's motion to dismiss to determine whether the judge found good cause. Although the administrative judge need not be "precisely aware of the relation of postponement to the [*Hicks*] date at the time that judge granted the continuance," *Tunnell*, 466 Md. at 589, she must, nonetheless, actually have found good cause for a continuance, as otherwise there is a *Hicks* violation. *See* CP § 6-103(b)(1) (requiring "good cause shown" before an administrative judge "may grant a change of the trial date"); Md. Rule 4-271(a) (same).

In that order, the administrative judge seemingly found good cause, declaring, among other things, as follows:

[14] All the preliminary hearings in this case were held before the administrative judge.

> The Defendant was still in warrant status because she was being held in various other jurisdictions (Baltimore and Anne Arundel) and had an outstanding warrant for the State of Pennsylvania. The Defendant was not able to be served and processed by Queen Anne's County while in the custody of the other Counties at any of the status conferences . . . .

We must, however, construe those declarations within the context of other comments the administrative judge made. During the November 14, 2023, hearing, the judge asserted that "We are still in warrant status, which means *Hicks* has not started yet." Nothing during the December 29, 2023, status hearing, during which the administrative judge granted the critical postponement, leads us to any other conclusion but that she continued to believe that *Hicks* had not been triggered yet. Under these circumstances, we hold that the administrative judge did not find good cause.

Because there was neither a finding of good cause to justify the critical postponement, nor did Blade expressly consent to that postponement, we hold that there was a *Hicks* violation. Therefore, the circuit court erred in denying the motion to dismiss.

JUDGMENT OF THE CIRCUIT COURT FOR QUEEN ANNE'S COUNTY REVERSED. CASE REMANDED WITH INSTRUCTIONS TO DISMISS THE INDICTMENT. COSTS TO BE PAID BY QUEEN ANNE'S COUNTY.